

# HOUSE BILL No. 1991

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-19-5.

**Synopsis:** Court costs in proceedings to appoint a health care representative. Prohibits a court clerk from collecting a filing fee in a proceeding to appoint a health care representative or a guardian for an individual who is developmentally disabled or mentally ill.

**Effective:** July 1, 2001.

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**Goeglein, Crosby, Becker, Klinker**

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January 17, 2001, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1991

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 33-19-5-4 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) For each civil  
3       action except:

4           (1) proceedings to enforce a statute defining an infraction under  
5           IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);

6           (2) proceedings to enforce an ordinance under IC 34-28-5-4 (or  
7           IC 34-4-32-4 before its repeal);

8           (3) proceedings in juvenile court under IC 31-34 or IC 31-37;

9           (4) proceedings in paternity under IC 31-14;

10          (5) proceedings in small claims court under IC 33-11.6; ~~and~~

11          (6) **proceedings to appoint a health care representative under**  
12          **IC 16-36-1-8 for an individual who is:**

13           **(A) developmentally disabled (as defined in IC 12-7-2-62);**

14           **or**

15           **(B) mentally ill (as defined in IC 12-7-2-131); and**

16          (7) proceedings in actions under section 6 of this chapter;

17       the clerk shall collect from the party filing the action a civil costs fee

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of one hundred dollars (\$100), except as provided in subsection (b).

(b) For each proceeding for the issuance of a protective order under IC 34-26-2:

(1) the clerk shall initially collect thirty-five dollars (\$35) of the civil costs fee from the party that filed the action or the court may waive the initial thirty-five dollars (\$35) of the civil costs fee for the party that filed the action; and

(2) upon disposition of the protective order petition under IC 34-26-2, the court may order that:

(A) the remainder of the civil costs fee, in the amount of sixty-five dollars (\$65), be assessed against the respondent in the action as provided in IC 34-26-2-4 or against the party that filed the action; and

(B) the initial thirty-five dollar (\$35) civil costs fee be reimbursed by the respondent in the action to the party that filed the action or assessed against the respondent in the action as provided in IC 34-26-2-4.

(c) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

(1) A document fee.

(2) A support and maintenance fee.

SECTION 2. IC 33-19-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) Except as provided under subsection (c), for each action filed under:

(1) IC 6-4.1-5 (determination of inheritance tax);

(2) IC 29 (probate); and

(3) IC 30 (trusts and fiduciaries);

the clerk shall collect from the party filing the action a probate costs fee of one hundred twenty dollars (\$120).

(b) In addition to the probate costs fee collected under this section, the clerk shall collect from the party filing the action a document fee if it is required under IC 33-19-6.

(c) A clerk may not collect a court costs fee for the filing of the following exempted actions:

(1) Petition to open a safety deposit box.

(2) Filing an inheritance tax return, unless proceedings other than the court's approval of the return become necessary.

(3) Offering a will for probate under IC 29-1-7, unless proceedings other than admitting the will to probate become necessary.

**(4) Petition for appointment of a guardian under IC 29-3-5 for**



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- 1       **an individual who is:**  
2           **(A) developmentally disabled (as defined in IC 12-7-2-62);**  
3           **or**  
4           **(B) mentally ill (as defined in IC 12-7-2-131).**

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